

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

NEAL E. McDONALD,

Petitioner,

: Case No. 3:15-cv-031

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

TERRY A. TIBBALS, Warden,
London Correctional Institution,

:

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 11), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on June 19, 2015, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition herein be dismissed with prejudice. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*.

June 24, 2015

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge